

ORIGINAL

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United States Attorney  
District of Hawaii

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAY 25 2023

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at \_\_\_ o'clock and \_\_\_ min. M  
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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CR. NO. 22-00109 DKW  
                                )  
Plaintiff,                 ) SECOND SUPERSEDING  
                                ) INDICTMENT  
vs.                         )  
                                )  
CHRISTOPHER CHAN,         ) [18 U.S.C. § 922(o); 26 U.S.C.  
                                ) §§ 5841, 5845, 5861(d), and 5871]  
                                )  
                                )  
Defendant.                 )  
                                )

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SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

Possession of an Unregistered Firearm  
(26 U.S.C. § 5861(d))

On or about August 16, 2022, within the District of Hawaii,  
CHRISTOPHER CHAN, the defendant, did knowingly possess a firearm not  
registered to him in the National Firearms Registration and Transfer Record,  
namely, a privately made AR-type rifle, containing no serial number or appropriate  
manufacturer markings, with a barrel length measuring less than 16 inches in  
length, which barrel the defendant knew measured less than 16 inches in length,  
found in a Toyota Camry automobile.

All in violation of Title 26, United States Code, Sections 5841, 5845(a)(3),  
5861(d), and 5871.

Count 2

Possession of a Machinegun  
(18 U.S.C. § 922(o))

On or about August 16, 2022, within the District of Hawaii,  
CHRISTOPHER CHAN, the defendant, did knowingly possess a machinegun, as  
defined in Title 18, United States Code, Section 921(a)(24) and Title 26, United  
States Code, Section 5845(b), namely: (i) a machinegun conversion device  
designed and intended for use in converting a weapon into a machinegun, that is, a  
weapon which shoots automatically more than one shot without manual reloading

by a single function of the trigger, containing no serial number, and (ii) the privately made AR-type rifle described in Count 1, in which the machinegun conversion device was installed, which with the installation of the machinegun conversion device did shoot and was designed to shoot automatically more than one shot without manual reloading by a single function of the trigger, both of which the defendant knew to be a machinegun, or was aware of the essential characteristics of the firearm which made it a machinegun, found in a Toyota Camry automobile.

All in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

First Forfeiture Notice

1. The allegations set forth in Count 1 of this Second Superseding Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 26, United States Code, Section 5872 and Title 28, and United States Code, Section 2461(c).

2. The United States hereby gives notice that, upon conviction of the offense charged in Count 1 of this Second Superseding Indictment, the government will seek forfeiture, in accordance with Title 26, United States Code, Section 5872, and Title 28 United States Code, Section 2461(c), of any firearms involved in the offense, including but not limited to the following: a privately made AR-type rifle,

containing no serial number or appropriate manufacturer markings, with a barrel length measuring less than 16 inches in length, found in a Toyota Camry automobile, which the defendant possessed on or about August 16, 2022.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 above:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 26, United States Code, Section 5872 and 21 U.S.C. § 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

Second Forfeiture Notice

1. The allegations set forth in Count 2 of this Second Superseding Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeitures pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice that, upon conviction of the offense charged in Count 2 this Second Superseding Indictment, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), of any firearms involved in or used in the offense, including but not limited to the following: (i) a machinegun conversion device designed and intended for use in converting a weapon into a machinegun, containing no serial number, and (ii) a privately made AR-type rifle, containing no serial number or appropriate manufacturer markings, with a barrel length measuring less than 16 inches in length, described in Count 1, in which the machinegun conversion device was installed, found in a Toyota Camry automobile, which the defendant possessed on or about August 16, 2022.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 above:

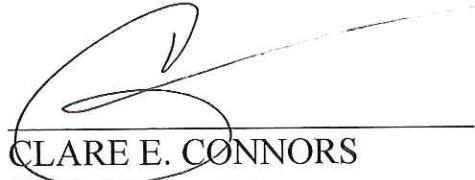
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c).

DATED: May 25, 2023, at Honolulu, Hawaii.

A TRUE BILL

/s/ Foreperson  
FOREPERSON, GRAND JURY



CLARE E. CONNORS  
United States Attorney  
District of Hawaii



SARA D. AYABE  
MOHAMMAD KHATIB  
Assistant U.S. Attorneys

United States v. Christopher Chan  
Second Superseding Indictment  
Cr. No. 22-00109 DKW